

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVE.
HARTFORD, CT 06105-3725

██████████ 2021
Signature Confirmation

Client ID ██████████
Case ID ██████████
Request # 168302

NOTICE OF DECISION

PARTY

██████████
██████████
██████████
████████████████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA) closing her benefits under the Supplemental Nutrition Assistance Program effective ██████████ 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department's decision to discontinue such benefits.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice to the Appellant scheduling the administrative hearing for ██████████ 2020.

On ██████████ 2020, the Appellant requested a continuance which OLCRAH granted.

On ██████████ 2021, the OLCRAH issued a notice to the Appellant scheduling the administrative hearing for ██████████ 2021.

On ██████████ 2021, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals called in for the administrative hearing:

■■■■ Appellant
 Ferris Clare, Department Representative
 Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's ■■■■ 2020 decision to close the Appellant's SNAP benefits effective ■■■■ 2020 was correct.

FINDINGS OF FACT

1. The Appellant received benefits under the SNAP for herself. (Hearing Record)
2. The Appellant is age ■■■■ (■■■■ years old and not disabled. (Appellant's Testimony)
3. In the ■■■■ 2020, the Appellant enrolled at ■■■■ (the "University") as a full time student to pursue her bachelor's degree after receiving an associates degree from ■■■■ ■■■■ ■■■■. The Appellant is taking four (4) classes each semester and expected to graduate in 2022. (Appellant's Testimony)
4. The Appellant receives financial aid to pay for classes at the University. The Appellant's financial aid package does not include work study. (Appellant's Testimony)
5. The Appellant works part time for ■■■■. The Appellant is paid biweekly and worked the following hours: (Exhibit 3: Paystubs and Exhibit B: Paystubs)

Pay Period Begin	Pay Period End	Check Date	Total Bi-weekly Hours	Gross Wages	Total Hours Worked for Month	Total Gross Wages for Month
■■/■■/20	■■/■■/20	■■/■■/20	35.21	\$461.68		
					■■/2020 cannot determine	■■/2020 cannot determine
■■/■■/20	■■/■■/20	■■/■■/20	34.3*	\$437.32		
■■/■■/20	■■/■■/20	■■/■■/20	33.96	\$432.99		
					68.26 ■■/2020	\$870.31

■■■■/20	■■■■/20	■■■■/20	28.85*	\$367.84		
■■■■/20	■■■■/20	■■■■/20	36.11*	\$460.40		
■■■■/20	■■■■/20	■■■■/20	34.68*	\$442.17		
					99.64 ■■■■/2020	\$1,270.41
■■■■/20	■■■■/21	■■■■/21	36.94*	\$479.18		
■■■■/21	■■■■/21	■■■■/21	36.54*	\$476.48		
					73.88 ■■■■/2021	\$955.66

*Includes holiday, sick and PTO hours

6. The Appellant does not receive any financial assistance from the Department. (Appellant's Testimony)
7. The Appellant is not responsible for any dependents. (Appellant's Testimony)
8. The Appellant is not enrolled at the University under Jobs Opportunity and Basic Skill program or a participant in the Job Training Partnership Act. (Appellant's Testimony)
9. On ■■■■ ■■ 2020, the Department determined the Appellant ineligible for benefits under the SNAP because she failed to meet the eligible student criteria under the SNAP regulations. Specifically, the Appellant is not working a minimum of 20 hours per week or 80 hours per month to qualify for SNAP benefits. (Exhibit 1: Notice of Action and Department Representative's Testimony)
10. On ■■■■ ■■ 2020, the Department issued the Appellant a Notice of Action closing her SNAP benefits effective ■■■■ ■■ 2020. The notice stated: your SNAP benefits will close effective ■■■■ ■■ 2020 for the following reasons: "No household members are eligible for this program, does not meet program requirements, [and] eligible student program requirements not met." (Exhibit 1: Notice of Action)
11. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on ■■■■ ■■ 2020. However, the hearing, which was originally scheduled for ■■■■ ■■ 2020, was rescheduled for ■■■■ ■■ 2021 at the request of the Appellant which caused a ■■-day delay. Because this ■■-day delay resulted from the Appellant's request, this decision is not due until ■■■■ ■■ 2021, and therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes (“Conn. Gen. Stat.”) provides as follows: “The Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.”
2. Federal regulation provides as follows:

Applicability. An individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for one of the exemptions contained in paragraph (b) of this section. An individual is considered to be enrolled in an institution of higher education if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

7 C.F.R. § 273.5(a)

3. Federal regulation provides as follows:

Student Exemptions. To be eligible for the program, a student as defined in paragraph (a) of the section must meet at least one of the following criteria:

1. Be age 17 or younger or age 50 or older;
2. Be physically or mentally unfit;
3. Be receiving Temporary Assistance for Needy Families under Title IV of the Social Security Act;
4. Be enrolled as a result of participation in the Job Opportunities and Basic Skills program under Title IV of the Social Security Act or its successor program;
5. Be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours. The State agency may choose to determine compliance with this requirement by calculating whether the student worked an average of 20 hours per week over the period of a month, quarter, trimester or semester. State agencies may choose to exclude hours accrued during academic breaks that do not exceed one month. A State agency that chooses to average student work hours must specify this choice and specify the time period over which the work hours will be averaged in its State plan of operation;

6. Be participating in a State or federally financed work study program during the regular school year.
 - i. To qualify under this provision, the student must be approved for work study at the time of application for SNAP benefits, the work study must be approved for the school term, and the student must anticipate actually working during that time. The exemption shall begin with the month in which the school term begins or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment.
 - ii. The exemption shall not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.
7. Be participating in an on-the-job training program. A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer;
8. Be responsible for the care of a dependent household member under the age of 6;
9. Be responsible for the care of a dependent household member who has reached the age of 6 but is under age 12 when the State agency has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements of paragraph (b)(5) or (b)(6) of this section;
10. Be a single parent enrolled in an institution of higher education on a full-time basis (as determined by the institution) and be responsible for the care of a dependent child under age 12.
 - i. this provision applies in those situations where only one natural, adoptive or stepparent (regardless of marital status) is in the same SNAP household of the child.
 - ii. If no natural, adoptive or stepparent is in the same SNAP household as the child, another full-time student in the same SNAP household as the child may qualify for eligible student status under this provision if he or she has parental control over the child and is not living with his or her spouse.
11. Be assigned to or placed in an institution of higher education through or in compliance with the requirements of one of the programs identified in paragraphs (b)(11)(i) through (b)(11)(iv) of this section. Self-initiated placements during the period of time the person is enrolled in one of these employment and training programs shall be considered to be in compliance with the requirements of the employment and training program in which the person is enrolled provided that the program has a component for enrollment in an institution of higher education and that program accepts the placement. Persons who voluntarily participate in one of these employment and training programs and are placed in an institution of higher education

through or in compliance with the requirements of the program shall also qualify for the exemption. The programs are:

- i. A program under the Job Training Partnership Act of 1974(29 U.S.C. 1501, *et seq.*);
- ii. An employment and training program under §273.7, subject to the condition that the course or program of study, as determined by the State agency:
 - A. Is part of a program of career and technical education as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C.2302) designed to be completed in not more than 4 years at an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 2296); or
 - B. Is limited to remedial courses, basic adult education, literacy, or English as a second language.
- iii. A program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or
- iv. An employment and training program for low-income households that is operated by a State or local government where one or more of the components of such program is at least equivalent to an acceptable SNAP employment and training program component as specified in §273.7(e)(1). Using the criteria in §273.7(e)(1), State agencies shall make the determinations as to whether or not the programs qualify.

7 C.F.R. § 273.5(b)

4. Federal regulation provides as follows:

The enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).

7 C.F. R. § 273.5(c)

5. Federal regulation provides as follows:

Use of notice. Prior to any action to reduce or terminate a household's benefits within the certification period, the State agency shall, except as provided in paragraph (b) of this section, provide the household timely and adequate advance notice before the adverse action is taken.

7 C.F.R. § 273.13(a)

Federal regulation provides as follows:

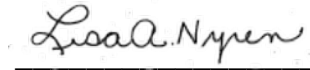
The notice of adverse action shall be considered timely if the advance notice period conforms to that period of time defined by the State agency as an adequate notice period for its public assistance caseload, provided that the period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective. Also, if the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday, the State agency shall consider the request timely received.

7 C.F.R. § 273.13(a)(1)

6. The Department correctly determined the Appellant enrolled at least half time in an institution of higher education because the Appellant is enrolled as a full time student at the University pursuing a bachelor's degree.
7. The Department correctly determined the Appellant's student status began with the [REDACTED] 2020 semester at the University.
8. The Department correctly determined the Appellant failed to meet the student exemption criteria as defined by federal regulation. In part, the Appellant is [REDACTED] years old, not disabled, not a recipient of TANF, not a recipient of work study, not responsible for a dependent household member, and employed less than 20-hours per week when averaged. It is noted that the Appellant worked 99.64 hours for [REDACTED] 2020, however this is for a six week period. When [REDACTED] 2020 hours are averaged, this equals 33.21 biweekly or 16.60 weekly, less than the required 20 hours per week as stipulated under federal regulation. [REDACTED] 2020 and [REDACTED] 2021 hours also fall below 20 hours per week, averaging 17.06 hours per week in [REDACTED] 2020 and 18.45 hours per week in [REDACTED] 2021.
9. The Department correctly determined the Appellant ineligible to participate in the SNAP.
10. On [REDACTED] [REDACTED] 2020, the Department correctly closed the Appellant's benefits under the SNAP effective [REDACTED] [REDACTED] 2020 for the reasons eligible student program requirements not met and issued a notice of action informing her of the termination of benefits.

DECISION

The Appellant's appeal is denied.



Lisa A. Nyren
Fair Hearing Officer

CC: Rachel Anderson, DSS RO #20
Cheryl Stuart, DSS RO #20
Lisa Wells, DSS RO #20
Ferris Clare, DSS RO #20

RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within **25** days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on § 4-181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue Hartford, CT 06105.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court within **45** days of the mailing of this decision, or **45** days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on § 4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue Hartford, CT 06105. A copy of the petition must also be served on all parties to the hearing.

The 45 day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than 90 days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or the Commissioner's designee in accordance with § 17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the appellant resides.